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July 8, 2008

Southern District of New York
John J. Byrnes
Attorney-in-Charge

Honorable Barbara S. Jones,
United States District Judge
Southern District of New York

Re: United States v. Miguel McKinley
08 Cr. 354

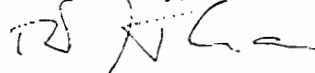
MEMO ENDORSED

Your Honor:

This matter had been set down for a possible evidentiary hearing on July 11, 2008, in the event we filed a motion requiring such a hearing. We did not file any pretrial motion nor intend to do so based on the information we have so far¹ and have orally informed your chambers and the government of that fact, so that no evidentiary hearing is required at this time.

Accordingly and with the government's consent and ours, Ms. Hummel of your chambers has adjourned the matter for a status conference to be held July 22, 2008, at 2:30 p.m.. We consent to the further exclusion of speedy trial time to that day and time when we will be asking Your Honor to set a trial date.

Respectfully,




Roland Thau
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USDC SDNY DOCUMENT ELECTRONICALLY FILED DOC #: DATE FILED: 7/9/08

The foregoing adjournment and exclusion requests are granted as in the interests of justice.

SO ORDERED.



7/9/08
LAURA TAYLOR SWAIN
UNITED STATES DISTRICT JUDGE Part I

¹ We sometimes bring a motion addressed to the grand jury proceedings after receiving their transcripts as "3500 material" on the eve of trial and reserve the right to do so when, if ever, we have a basis for it.